IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE EIGHTH DAY OF NOVEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE SRI DEVINDER GUPTA,THE CHIEF JUSTICE

and
THE HON'BLE MR JUSTICE C.V.RAMULU

WRIT PETITION NO : 32252 of 1998

Between:

1 Dilip Soni, S/o. Srikishan Soni,
R/o. 15-7-585/4, Begum Bazar, Hyderabad.
2 Brij Gopal Baheti, S/o. Rama Kishan,
R/o. 15-7-523/1, Begum Bazar, Hyderabad.
3 Sri Kishan Loya, S/o. Munnalaji Loya,
R/o. 15-7-529, Begum Bazar,
Hyderabad.
4 Sitaram, S/o. Amarchand,
R/o. 15-7-587, Begum Bazar,
Hyderabad.
5 Indra Prakash, S/o. Sri Kishansoni,
R/o. 15-7-585/5, Begum Bazar,
Hyderabad.
6 Ram Prasad Chitlangi, S/o. Ratanlalji,
R/o. 15-7-584, Begum Bazar,
Hyderabad.
7 Radhakishan Attal, S/o. Bansilal Attal,
R/o. 15-7-551, Begum Bazar,
Hyderabad.

..... PETITIONERS

AND

1 Commissioner of Excise & Prohibition Department
Narayanguda, Hyderabad.
2 Asst.Commissioner of Excise & Prohibition Department
Narayanaguda, Hyderabad.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ or order or direction more particularly one in the nature of Writ of Mandamus directing the respondents not to grant licence to run the Toddy Shop in the premises bearing MCH No.15.7.585 Khajanchi Building, Begum Bazar, Hyderabad

Counsel for the Petitioner:MR.T.V.RAJEEVAN

Counsel for the Respondent No.: GP FOR PROHIBITION & EXCISE

The Court made the following :

ORAL ORDER: (per the Hon'ble the Chief Justice)

This petition has been filed as Public Interest Litigation apprehending that respondents were likely to grant toddy licence in the premises bearing MCH No.15-7-585, Kajanchi building, Begum Bazar, Hyderabad. It was stated that such licence cannot be granted since it would amount to violating law and within 100 feet from the said premises, there are places of worship and educational institutions.

While issuing rule nisi on 19-11-1998, interim order as prayed was issued restraining the respondents from granting any toddy licence to anybody to run toddy business in the premises in question. Counter affidavit has not been filed. Learned counsel for the respondents states that no application for toddy licence was made nor licence has been granted with respect to the premises in question.

Accordingly, we allow the writ petition in terms of the interim order.

_____

DEVINDER GUPTA, CJ

8-11-2004

_____

C.V.RAMULU, J

Tvr

To

1 Commissioner of Excise & Prohibition Department
Narayanguda, Hyderabad.
2 Asst.Commissioner of Excise & Prohibition Department
Narayanaguda, Hyderabad.

3 2 CCs to the G.P. for Excise and Prohibition, High Court Buildings,

Hyderabad (OUT).

4 2 CD copies.